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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/727,814

11/30/2000

Bruce Hennig

A-69397/SFC/SMF

4332

7590

12/02/2003

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EXAMINER

LEJA, RONALD W

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,814

Applicant(s)

HENNIG ET AL.

Examiner

Ronald W Leja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17, 18, 22-24, 26-35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 14-16, 19-21, 25 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-13, 17, 18, 22-24, 26-35 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmach (6,424,512).

Schmach discloses (see Fig. 2) a reactivation circuit coupled with a system having a protection mechanism (M1) which prevents runaway current comprising a monitoring circuit (M, A) coupled with at least the system and the storage element (capacitance C3 for Claims 3,17,30) and the monitoring circuit configured to monitor the voltage across the storage element and to signal the system when the voltage across the storage element exceeds a predefined threshold. The system

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becomes reactivated when the output voltage across the storage element (C3), which is in parallel with the load, reaches the predefined threshold voltage (see Col. 3, line 50 through Col. 4, line 22). The first transistor is considered to be (M1) and the second transistor is considered to be (M2); the toggling of the first transistor is considered to affect the toggling of the second transistor (for Claim 24). When the protection mechanism (M1) gets turned OFF due to excessive current draw through the load (a short-circuit condition), the second transistor (M2) gets turned ON and the Reference discloses that the current flow is through the second transistor and through resistors (R5) and (R6) and apparently sunk at the output of the OP-Amp (OP1). The load is not being supplied, however, Col. 4 of the Reference indicates that when the load resistance increases to the extent that the capacitor (C3) is loaded more than being discharged, the voltage across the capacitor rises, which leads to reactivation of the system via current flow to the load via the first transistor (M1). Therefore, even though the Reference is somewhat vague, it is the opinion of the Examiner that (M2) comprises part of the charging circuit since when (M1) is OFF and (M2) is ON, if the resistance of the load increases, due to loss of the short-circuit condition, the voltage across the capacitor increases to allow for re-activation if a predefined voltage level is reached. Thus, for proper desired operation, it would have been obvious to allow for the possibility (dependent upon load condition) of the capacitor (C3) to be charged so as to allow for the re-activation of the circuit, and thus, even with

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the protection mechanism (M1) being shut OFF, it would have been obvious to allow some type of current flow to capacitor (C3), which is in parallel with the load.

3. Claims 14-16, 19-21, 25 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a Statement of Reasons for the Indication of Allowable Subject Matter: The claims 14-16, 19-21, 25 and 36 contain limitations drawn to the use of a latch, use of a second monitoring circuit and use of system temperature dependence. There does not appear to be strong motivation to modify the Reference to incorporate such features, and as such, these added limitations are considered to be novel and unobvious.

5. The Prior Art made of record and not relied upon is considered pertinent to Applicant's disclosure. Gentry et al. (4,634,936); this Reference is drawn to current limiting current flow through the load (10) via a first transistor (46), due to a detected short-circuit condition. A storage element (72) coupled to the load gets charged and when a predefined threshold is reached, transistor (46) gets completely turned OFF and latched OFF by (56).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja

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whose telephone number is (703) 308-2008. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*Ronald W. Leja*  
Ronald W Leja  
Primary Examiner  
Art Unit 2836

*11/29/03*

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Saturday, November 29, 2003